

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

EPIC GAMES, INC.

Case No. 4:20-cv-05640-YGR

Plaintiff, Counter-defendant

V.

APPLE INC.,

**DECLARATION OF CONSILIO SENIOR
DIRECTOR CLAYTON LEECH
REGARDING DISCOVERY PROCESS IN
SUPPORT OF APPLE INC.'S RESPONSE
TO ORDER REGARDING DISCOVERY
SANCTIONS [DKT. 1171]**

Defendant, Counterclaimant

The Honorable Yvonne Gonzalez Rogers

**DECLARATION OF CLAYTON LEECH REGARDING
DISCOVERY PROCESS IN SUPPORT OF APPLE
INC.'S RESPONSE TO ORDER REGARDING
DISCOVERY SANCTIONS [Dkt. 1171]**

1 I, Clayton Leech, hereby declare as follows:

2 1. I am Senior Director, Review Solutions at Consilio. I have personal knowledge of the
3 facts stated below and, if called as a witness, would testify competently thereto.

4 2. I have managed reviews for relevance and legal privilege for 15 years. Consilio has
5 served as a document review vendor for Apple for 12 years and is intimately familiar with the contract
6 review process.

7 3. Specific to this matter, Apple engaged Consilio to assist with a document review for the
8 *Epic Games, Inc. v. Apple, Inc.* injunction compliance matter (herein referred to as the “Matter”) on
9 September 16, 2024 (the “engagement”).

10 4. Consilio had document reviewers working on the matter between September 18, 2024,
11 and October 6, 2024, to supplement the work of the Deloitte review team given the document volume
12 and deadline for the production.

13 5. During the engagement, Consilio utilized approximately 113 professionals to review
14 documents.

15 6. All Consilio professionals that reviewed documents during the engagement have J.D.s,
16 have passed a bar exam, are licensed and in good standing with at least one U.S. jurisdiction, and have
17 experience evaluating documents for privilege.

18 7. Consilio’s professionals engaged in a good-faith effort to review documents and make
19 assertions of privilege pursuant to the guidance in the review protocols provided by Apple and its
20 counsel. Consilio instructs its reviewers at all times to make only good-faith assertions of privilege.

21 8. Neither Apple nor its counsel instructed Consilio at any time to intentionally over-assert
22 privilege for this matter or to otherwise depart from the applicable legal standards for asserting
23 attorney-client privilege.

24 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and
25 correct. Executed this 7th day of March 2025, in Madison, Mississippi.

1 Dated: March 8, 2025

Respectfully submitted,

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3 By: /s/ Clayton Leech

4 Clayton Leech

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1 **E-FILING ATTESTATION**

2 I, Mark A. Perry, am the ECF User whose ID and password are being used to file this document. In
3 compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above
4 has concurred in this filing.

5
6 /s/ Mark A. Perry _____

7 Mark A. Perry

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